

OF THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA.

WHEREAS, Under the terms of the deed dated January 9th, 1929, delivered to and accepted by the City of Lodi in accordance with Resolutions Nos. 566 and 567 by which Colorado Power Company conveyed to the City of Lodi certain riparian lands and water rights situate on and along the Mokelumne River in Calaveras and Amador Counties, California, more particularly described in said deed, the City of Lodi was required to perform certain conditions subsequent, as a prerequisite to retaining title thereunder; and

WHEREAS, said conditions subsequent included the obligation to have a final investigation of the engineering features of the hydroelectric power plant, proposed to be constructed on said lands, and transmission lines connecting therewith, made within a period of one (1) year from the date of said deed, and to have an election called and held within a period of two (2) years from date of said deed, for the purpose of voting bonds necessary to construct said hydroelectric power plant and transmission line, and to enter into a binding contract, within three (3) years from date of said deed, for the construction of the said project works including the said power plant and transmission line and to complete the said project works and have it in operation in connection with the existing distribution system of the grantee within four (4) years from date thereof, and thereafter for a term of twenty-five (25) years to pay certain kilowatt-hour royalties upon the electric energy to be generated at the said plant to Colorado Power Company, all of said conditions and requirements being included in the said deed as conditions numbered Second, Third, Fourth, Fifth and Sixth and more particularly set forth therein; and

WHEREAS the City of Lodi has caused the engineering investigation required under the second condition under said deed to be made and reported in writing to the Colorado Power Company within the time required by said deed, but has been prevented, by pendency of litigation with the East Bay Municipal Utility District and Pacific Gas and Electric Company affecting the riparian water rights appurtenant to the property in question, from carrying out the remaining conditions of said deed; and whereas by a certain "SUPPLEMENT TO DEED" recorded January 7th, 1931, in Book 86 of Deeds at page 411 and following, in the office of the County Recorder of the County of Calaveras, State of California, the respective periods within which the conditions and requirements enumerated in said deed dated January 9th, 1929, as conditions numbered Third, Fourth, Fifth and Sixth might be performed and complied with by said City of Lodi, were each extended for a period of one year respectively; and whereas it now appears that in all probability an enforced delay of at least one year, from and after the date hereof, before such litigation shall be terminated and before said condition subsequent of said deed can be possible of fulfillment, will result;

NOW THEREFORE, BE IT RESOLVED, That the City Council of the City of Lodi does hereby request the Colorado Power Company to extend for an additional period of one year (after the time allowed by said Deed of January 9th, 1929 as the same has heretofore been extended in and by said "SUPPLEMENT TO DEED" has expired) the respective periods within which the conditions and requirements enumerated in the said deed dated January 9th, 1929, as conditions numbered Third, Fourth, Fifth and Sixth, may be performed and complied with by the City of Lodi, grantee thereunder, upon the same understanding by the City of Lodi set forth in said Resolutions Nos. 566 and 567;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted by the Clerk of this Board to Colorado Power Company for its consideration, together with a request that the said company shall, if agreeable thereto, cause to be transmitted to the said Clerk a duly executed supplementary deed on or before December 31st, 1931.

**CITY OF LODI**  
OFFICE OF THE CITY CLERK

STATE OF CALIFORNIA, } ss.  
County of San Joaquin,

I do hereby certify that the attached is a full, true and correct copy of **Resolution No. 651 of the City Council of the City of Lodi adopted Monday, November 23rd., 1931 by unanimous vote of all members of said City Council**, as the same appears of record in the office of the City Clerk of the City of Lodi.

In testimony whereof I have hereunto set my hand and the seal of the City of Lodi,

this **23rd** day of **November** **1931**.

*[Signature]*  
By **B. Beaseley**  
City Clerk of the City of Lodi  
Deputy City Clerk



The foregoing Resolution No. 651 was regularly introduced, passed and adopted by the City Council of the City of Lodi at an adjourned regular meeting of said City Council held on Monday, November 23rd., 1931 by the following vote :

AYES: Councilmen, Keagle, Roach, Steele, Weihe and Spooner.  
NOES: Councilmen, None.  
ABSENT: Councilmen, None.

Attest: *[Signature]*  
November 23, 1931. *[Signature]*  
City Clerk of the City of Lodi and  
ex-officio Clerk of the City Council.